

**Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**Conditional Major
AIR QUALITY PERMIT**

Permittee Name: Sargent & Greenleaf, Incorporated
Mailing Address: One Security Drive
Nicholasville, Kentucky 40356

Source Name: Same
Mailing Address: Same
Source Location: Same

Permit Number: F-04-006
Log Number: 54535
Review Type: Conditional Major
KYEIS ID #: 21-113-00014
SIC Code: 3499 (fabricated metal products)

Regional Office: Frankfort Regional Office
643 Teton Trail, STE B
Frankfort, KY 40601-1758
(502) 564 3358

County: Jessamine

**Application
Complete Date:** May 8, 2002

Issuance Date: December 8, 2004
Expiration Date: December 8, 2009

**John S. Lyons, Director
Division for Air Quality**

<u>SECTION</u>		<u>PAGE</u>	<u>DATE OF ISSUANCE</u>
SECTION A	PERMIT AUTHORIZATION	December 8, 2004	1
SECTION B	EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS	December 8, 2004	2
SECTION C	INSIGNIFICANT ACTIVITIES	December 8, 2004	8
SECTION D	SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS	December 8, 2004	9
SECTION E	CONTROL EQUIPMENT OPERATING CONDITIONS	December 8, 2004	10
SECTION F	MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS	December 8, 2004	11
SECTION G	GENERAL CONDITIONS	December 8, 2004	14
SECTION H	ALTERNATE OPERATING SCENARIOS	December 8, 2004	19
SECTION I	COMPLIANCE SCHEDULE	December 8, 2004	20

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

05 (1) - Open top vapor degreaser (Phillips Equipment Systems, Model No. 2C-1500E) using control option 3 in Table 2 of Subpart T: working mode cover, free board refrigeration device and super heated vapor.

Inside dimension of the tank; width=4.65', length=2.83' and depth=1.25', free board height=2.67'.

Type of vapor level control: chilled water and refrigerant at 63⁰F.

Type of cleaning action: immersion in liquid

The tank cover is automatic.

Non spray type degreaser.

Rated capacity of Trichloroethylene (TCE) usage is 20 pounds per hour.

Date installed: 1997

Applicable Regulations:

40 CFR 63 Subpart T, The Maximum Available Control Technology (MACT) standard - Halogenated Solvent Cleaning is applicable for the vapor degreaser facility. This is a new facility because the construction was commenced after November 29, 1993.

1. Operating Limitations: (Taken from 40 CFR 63.463, Batch vapor and in line cleaning machine standards)

- (1) The cover shall be closed at all times unless processing work loads through the degreaser or unless either the solvent has been removed from the machine or maintenance or monitoring is being performed that requires the cover not be in place.
- (2) Parts shall be racked so that entrainment of solvent is avoided and full drainage is accomplished.
- (3) Parts shall be moved in and out of the degreaser at a vertical speed less than eleven (11) ft./minute.
- (4) Work load in the vapor zone shall be degreased until condensation ceases.
- (5) Parts shall be allowed to dry within the degreaser above the vapor zone until visually dry.
- (6) Porous or absorbent materials such as cloth, leather, wood, or rope shall not be degreased.
- (7) Work loads shall not occupy more than half of the degreaser's open top area.
- (8) Spray above the vapor level shall not be allowed.
- (9) Solvent leaks shall be repaired immediately or the degreaser shall be shut down.
- (10) Waste solvent shall not be disposed of or transferred to another party so that greater than twenty (20) percent by weight of the waste solvent can evaporate into the atmosphere. Waste solvent shall be stored only in closed containers.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- (11) Exhaust ventilation shall not exceed fifty (50) cfm per square foot of degreaser area unless necessary to meet OSHA requirements or control device requirements. Ventilation fans shall not be used near the degreaser opening.
- (12) During startup of each vapor cleaning machine, the primary condenser shall be turned on before the sump heater.
- (13) During shutdown of each vapor cleaning machine, the sump heater shall be turned off and the solvent vapor layer allowed to collapse before the primary condenser is turned off.
- (14) When solvent is added or drained from any solvent cleaning machine, the solvent shall be transferred using threaded or other leak proof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface.
- (15) Each solvent cleaning machine and associated controls shall be maintained as recommended by the manufacturers of the equipment or using alternative maintenance practices that have been demonstrated to the Administrator's satisfaction to achieve the same or better results as those recommended by the manufacturer.
- (16) Each operator of a solvent cleaning machine shall complete and pass the applicable sections of the test of solvent cleaning operating procedures in appendix B to 40 CFR 63, Subpart T, if requested during an inspection by the Administrator.
- (17) Waste solvent, still bottoms, and sump bottoms shall be collected and stored in closed containers. The closed containers may contain a device that would allow pressure relief, but would not allow liquid solvent to drain from the container.
- (18) Ensure that the temperature of the solvent vapor at the center of the superheated vapor zone at least 10° F above the solvent's boiling point.
- (19) Ensure that the manufacturer's specifications for determining the minimum proper dwell time within the superheated vapor system is followed.

2. Emission Limitations:

The emissions of Trichloroethylene shall not equal or exceed nine (9) tons per year. A year is defined as any consecutive twelve month period.

Compliance Demonstration Method:

Monthly Trichloroethylene emission (lbs) = Monthly usage of Trichloroethylene containing material in pounds or gallons per month] x [Trichloroethylene fraction] x [appropriate conversion factor (if usage is in gallons) for gallons to pounds.

3. Monitoring Requirements: (Taken from 40 CFR 63.466, Monitoring procedures)**Monthly:**

- (1) Any cover (working mode, downtime mode, and/or idling mode) shall be visually inspected to determine if it is opening and closing properly, completely covers the cleaning machine openings when closed, and is free of cracks, holes, and other defects.
- (2) The hoist speed shall be determined by measuring the time it takes for the hoist to travel a measured distance. If there are no exceedances of the hoist speed after one year, monitoring of the hoist speed may be done on a quarterly basis.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE

REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Weekly:

- (3) A thermometer or thermocouple shall be used to measure the temperature at the center of the superheated solvent vapor zone while the solvent cleaning machine is in the idling mode.

4. Specific Record Keeping Requirements: (Taken from 40 CFR 63.467, Recordkeeping requirements)

To be maintained in written or electronic form for the lifetime of the machines:

- (1) Owner's manuals, or written maintenance and operating procedures, for the solvent cleaning machine and control equipment.
- (2) The date of installation for the solvent cleaning machine and all of its control devices.
- (3) Records of the halogenated HAP solvent content for each solvent used in the permitted facilities.

To be maintained in written or electronic form for five (5) years:

- (4) The results of control device monitoring specified in Condition #3, Monitoring Requirements.
- (5) Records of written or verbal orders for replacement parts, a description of the repairs made, and additional monitoring conducted to demonstrate that monitored parameters have returned to accepted levels.
- (6) Records of annual solvent consumption for solvent cleaning machine.
- (7) Information as to how monitoring of control methods is conducted, and how compliance with the following requirements will be achieved:
 - a. The cover shall be in place whenever parts are not in the solvent cleaning machine and completely cover the machine openings when in place.
 - b. The temperature of the solvent vapor at the center of the superheated vapor zone shall be at least ten (10) degrees Fahrenheit above the solvent's boiling point.
 - c. The manufacturer's specifications for determining minimum proper dwell time within the superheated vapor zone shall be followed and the parts shall remain in the superheated vapor zone for that amount of time.
- (8) Plantwide conditional major limitations require the following be recorded:
 - a. Gallon of cleaning solvent shall be recorded for each month.
 - b. Depending on recording of lbs or gallons, individual HAP (Trichloroethylene) percentage (by weight) or and individual HAP content (lbs/gal) of the coating applied shall be recorded.
 - c. A rolling 12 consecutive month period, individual HAP emitted shall be recorded.
 - d. Also See Section F.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Reporting Requirements: (Taken from 40 CFR 63.468, Reporting requirements)

- (1) No later than 150 days after startup the owner and/or operator of the affected facilities specified on this permit shall furnish to the Division's Bowling Green Regional Office, with a copy to the Division's Frankfort Central Office, an initial statement of compliance containing:
 - a. A list of control equipment required to be monitored, a list of the parameters that are monitored and the values of these parameters measured on or during the first month after the compliance date.
 - b. Conditions to maintain the wind speed requirements for reduced draft emission control.
- (2) Each year the owner and/or operator shall submit a report by February 1 of the year following the one for which the reporting is being made, to include:
 - a. A signed statement from the facility owner or his designee stating that, "All operators of solvent cleaning machines have received training on the proper operation of solvent cleaning machines and their control devices sufficient to pass the test required in 40 CFR 63.463(d)(10)."
 - b. An estimate of solvent consumption for each solvent cleaning machine during the reporting period.
- (3) The owner and/or operator shall submit semiannually [may be increased to a quarterly or more frequent basis as described in 40 CFR 63.468(h)] an exceedance report to be delivered or postmarked by the 30th day following the end of each calendar half, to include the following:
 - a. All records pertaining to Condition #4 part 7.
 - b. If an exceedance has occurred, the reason and the actions taken.
 - c. If no exceedances of a parameter have occurred, or a piece of equipment has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.
- (4) These Conditions 3-5 (Monitoring, Record keeping, and Reporting) are intended to convey the requirements of 40 CFR Part 63, Subpart T, as applicable to the affected facilities permitted herein. This does not release the owner \ operator of this source from responsibility for any requirements of Subpart T. not specifically stated in this permit.
- (5) Plantwide conditional major limitations require the following be reported:
 - a. The individual HAP (Trichloroethylene) emission calculations for each month in the semiannual period shall be recorded.
 - b. The total amount individual HAP emitted for each 12-month period ending in the semiannual period shall be recorded.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- | | |
|--|---|
| 12 (1) - Metal Die Casting
consisting of: | 1 -40 ton Frech (Model DA 40)
2 -60 ton Frech (Model DAW 63)
1 -400 ton Greenlee B&T (Model DR37674)
1 -18 ton American (Model 71)
1 -12 ton Avnet
1 -12 ton American (Model 72)
1 -150 ton American (Model 150ZHD)
1 -20 ton Avnet
1 -20 ton American (Model 72) |
|--|---|

Applicable Regulations:

Kentucky State Regulation 59:010, New process operations.

1. Operating Limitations:

The rate of materials used in affected facilities shall not produce emissions which exceed the limitations as described in Section B(2) below.

2. Emission Limitations:

- A. Visible emissions shall not equal or exceed 20% opacity.
401 KAR 59:010, Section 3(1)(b).

Compliance Demonstration Method:

The permittee shall perform a qualitative visual observation of the opacity of emissions from the stack on a weekly basis and maintain a log of the observations. If visible emissions from the stack are seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated.

- B. Particulate matter emissions from each of the stack shall not equal or exceed 2.34 lbs/hour.
401 KAR 59:010, Section 3(2).

Compliance Demonstration Method:

Compliance with the mass emission limit is assumed based on the potential to emit calculations.

3. Testing Requirements:

Pursuant to 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 4, performance testing using the Reference Methods specified in 401 KAR 50:015 shall be conducted as required by the Division.

4. Specific Monitoring Requirements:

See compliance demonstration method under Section B(2)(A).

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Record Keeping Requirements:

See compliance demonstration method under Section B(2)(A).

6. Specific Reporting Requirements:

Any exceedance in the particulate emissions rate or visible emissions standard specified in this permit shall be reported to the Division per General Condition F(8) of this permit.

7. Specific Control Equipment Operating Conditions: NA

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Thermal deburring operation	Regulation 401 KAR 59:010
2. Parts washer	NA
3. Soldering operation	Regulation 401 KAR 59:010
4. Assembly operation	Regulation 401 KAR 59:010
5. Melting furnace (0.1 mmBTU/hr)	NA
6. One natural gas fired unit (1mmBTU/hr).	Regulation 401 KAR 59:015

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. Particulate and visible (opacity) emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.
2. Plant wide single HAP (Trichloroethylene) emissions shall not equal or exceed 9 tons per year. This annual limitation shall not be exceeded during any consecutive 12-month period.

Compliance Demonstration Method:

Monthly Trichloroethylene emission (lbs) = Monthly usage of Trichloroethylene containing material in pounds or gallons per month] x [Trichloroethylene fraction] x [appropriate conversion factor (if usage is in gallons) for gallons to pounds].

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, records of all required monitoring data, support information (including calibrations, maintenance records, and original strip chart recordings), and reports required by the Division for Air Quality shall be retained by the permittee for a period of five years. In accordance with Section 1a (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10 and 401 KAR 52:030 Section 3(1)(f)1a, these records shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. In accordance with the requirements of 401KAR 52:030 Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Access and copy any records required by this permit, enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation; and
 - b. Sample or monitor substances or parameters that affect compliance with the permit or any applicable requirements.
Reasonable times include all hours of operation, normal office hours, and during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due prior to January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. Pursuant to Section 1b V(3) and (4) of the material incorporated by reference in 401 KAR 52:030 Section 10, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5.
9. Pursuant to 401KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the year covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. **Annual compliance certifications should be mailed to the following addresses:**

**Division for Air Quality
Frankfort Regional Office
643 Teton Trail, STB B
Frankfort, KY 40601**

**Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601**

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee. If a KEIS emission report is not mailed to the permittee, comply with all other emission reporting requirements in this permit.
11. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by 401KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.
12. The cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - i. The size and location of both the original and replacement units; and
 - ii. Any resulting change in emissions;
 - b. The PTE of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - i. Re-install the original unit and remove or dismantle the replacement unit; or
 - ii. Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit. [Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
2. Notification by the permittee of a planned change or anticipated noncompliance, or filing of a request for any permit revision, reissuance, or rescission shall not stay any permit condition. [Section 1a (5) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
3. Pursuant to Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10, 401 KAR 52:030 Section 7(3), and 401 KAR 50:060 Section 2, this permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401KAR 52:030 Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish upon request information requested by the division to determine compliance with the permit or to determine if cause exists for modifying, revoking and reissuing, or terminating the permit. [Sections 1a (6) and (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

SECTION G - GENERAL PROVISIONS (CONTINUED)

5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority. [401 KAR 52:030 Section 7(1)]
6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [Section 1a (11) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [Section 1a (3) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States. [Section 1a (12)(b) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6). [Section 1a (9) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:030 Section 11(3)]
11. This permit does not convey property rights or exclusive privileges. [Section 1a (8) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. Permit Shield – A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (a) Applicable requirements that are included and specifically identified in this permit; and
 - (b) Non-applicable requirements expressly identified in this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the division. [401 KAR 52:030 Section 3(1)(c)]
17. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the division after the completeness determination has been made on any application, by whatever deadline the division sets. [401 KAR 52:030 Section 8(2)]
- (b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 52:030 Section 12]
- (c) Permit Revisions
 1. Minor permit revision procedures specified in 401 KAR 52:030 Section 14 (3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14 (2).
 2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.
- (d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

Not applicable.
- (e) Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two (2) working days of the time when emission limitations were exceeded due to the emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
2. Notification of the division does not relieve the source of any other local, state or federal notification requirements.
3. Emergency conditions listed in General Provision G(f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement. [401 KAR 52:030 Section 23(3)]
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:030 Section 23(2)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:
RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346
2. If requested, submit additional relevant information by the division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE